

Amendment No. 1 to SB0752

Bailey
Signature of Sponsor

AMEND Senate Bill No. 752

House Bill No. 771*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 50, is amended by adding the following as a new chapter:

50-11-101. Short title.

This chapter is known and may be cited as the "Tennessee Registered Apprenticeship Program Act."

50-11-102. Chapter definitions.

As used in this chapter:

(1) "Apprentice" means a worker who:

(A) Is at least sixteen (16) years of age; and

(B) Is employed to learn an apprenticeable occupation as defined in 29 CFR 29.4;

(2) "Apprenticeship":

(A) Means a program for the recruitment, selection, employment, and training of apprentices that is developed pursuant 29 CFR Parts 29 and 30, and the rules of the office of apprenticeship; and

(B) Includes a youth apprenticeship;

(3) "Apprenticeship agreement" means a written agreement between an apprentice and a sponsor that contains the terms and conditions of the apprentice's employment and training consistent with 29 CFR 29.7 and this chapter;

(4) "Apprenticeship council" means the Tennessee apprenticeship council established pursuant to § 50-11-105;

(5) "Apprenticeship intermediary" means an entity that provides required technical instruction to an apprentice;

(6) "Cancellation" means the termination of the registration of a pre-apprenticeship or apprenticeship at the request of the sponsor;

(7) "Commissioner" means the commissioner of labor and workforce development;

(8) "Deregistration" means termination of the registration of a pre-apprenticeship or apprenticeship by the office of apprenticeship;

(9) "Employer" means a person employing an apprentice;

(10) "Office of apprenticeship" means the Tennessee office of apprenticeship established pursuant to § 50-11-103;

(11) "On-the-job training" means training provided by an employer that:

(A) Is provided to a paid apprentice who is engaged in productive work in an occupation, and the work provides knowledge or skills essential to the full and adequate performance of the occupation;

(B) Is made available through an apprenticeship that provides reimbursement to the employer of up to fifty percent (50%) of the apprentice's wage rate for the purpose of covering the employer's costs of providing the training and additional supervision related to the training, except as provided in 29 U.S.C. § 3174(c)(3)(H); and

(C) Is limited in duration as appropriate to the occupation for which the apprentice is being trained, based on the content of the training, the apprentice's prior work experience, and the apprentice's service strategy, as appropriate;

(12) "Pre-apprenticeship" means a program or set of services, in

partnership with a registered apprenticeship program, designed to prepare individuals to enter and succeed in a registered apprenticeship program;

(13) "Required technical instruction" means an organized and systematic form of instruction, other than on-the-job training, that:

(A) Is designed to provide an apprentice with knowledge of the subjects related to the apprentice's occupation; and

(B) Is given in a classroom, through occupational or industrial courses, through correspondence courses, or through other forms of self-study;

(14) "Sponsor" means a person operating a pre-apprenticeship or apprenticeship;

(15) "State registration agency" means the Tennessee agency responsible for registering pre-apprenticeships, apprenticeships, and apprentices, and for reviewing pre-apprenticeships and apprenticeships for compliance with state law and the state plan for equal employment opportunities; and

(16) "Youth apprenticeship" means an apprenticeship that is designed specifically for an apprentice under eighteen (18) years of age.

50-11-103. Creation of the office of apprenticeship.

(a) There is established the Tennessee office of apprenticeship within the department of labor and workforce development, which is Tennessee's state apprenticeship agency in accordance with 29 U.S.C. § 50, and 29 CFR Parts 29 and 30. The office of apprenticeship is established for the following purposes:

(1) To serve as the state registration agency;

(2) To establish labor standards necessary to safeguard the welfare of apprentices;

(3) To establish rules regarding the registration of pre-apprenticeships,

apprenticeships, and apprentices; and

(4) To resolve disputes between parties to an apprenticeship agreement.

(b) The office of apprenticeship is operated by the commissioner or the commissioner's designee. The commissioner or the commissioner's designee may appoint a director for the office of apprenticeship. The director shall serve at the pleasure of the commissioner, manage the office of apprenticeship, and perform duties as are necessary to effectuate the intent of this chapter.

(c) No later than December 31, 2021, the commissioner or the commissioner's designee shall submit to the United States secretary of labor and the administrator of the national office of apprenticeship, an application to recognize the Tennessee office of apprenticeship as a state apprenticeship agency pursuant to 29 CFR 29.13(a)-(c).

50-11-104. Duties.

(a) The office of apprenticeship shall develop a nationally recognized state apprenticeship completion credential, as described in 29 CFR 29.5, for completing a registered apprenticeship program.

(b) The office of apprenticeship shall establish competency-based apprenticeship frameworks based on the regional and statewide compendia of valuable credentials.

(c) The office of apprenticeship may approve apprenticeship programs that are mandated by state or federal law as a result of the sponsor receiving funds or resources from the state, or funds or resources from the federal government, that require the creation of an apprenticeship program in accordance with a federal grant administered by this state.

(d) The commissioner may promulgate rules on behalf of the office of apprenticeship as necessary to effectuate the intent of this chapter pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. A rule promulgated pursuant to this chapter must conform to the published apprenticeship

guidelines in 29 CFR Parts 29 and 30.

(e) The office of apprenticeship shall consider advice provided by the apprenticeship council when completing the office's duties as set forth in this section.

(f) A sponsor may apply to register a pre-apprenticeship or apprenticeship with the office of apprenticeship. A registered apprenticeship must include, at a minimum:

(1) On-the-job training from an employer;

(2) Related technical instruction from an apprenticeship intermediary;

and

(3) The opportunity for an apprentice to earn a portable, nationally recognized industry credential.

(g) A sponsor of a registered pre-apprenticeship or registered apprenticeship is responsible for the administration and supervision of on-the-job training and related technical instruction for each apprentice in the registered pre-apprenticeship or registered apprenticeship.

50-11-105. Tennessee apprenticeship council.

(a) There is established the Tennessee apprenticeship council, which is an advisory council composed of individuals representing employer and employee organizations that are familiar with apprenticeable occupations.

(b) The apprenticeship council consists of eleven (11) members, as follows:

(1) The commissioner of labor and workforce development, or the commissioner's designee;

(2) The commissioner of education, or the commissioner's designee;

(3) The chancellor of the Tennessee board of regents, or the chancellor's designee;

(4) The executive director of the Tennessee higher education commission, or the executive director's designee;

(5) Three (3) members representing employer organizations, appointed

by the governor, at least one (1) of whom represents a private sector employer organization and one (1) of whom represents a public sector employer organization;

(6) Three (3) members representing employee organizations, appointed by the governor, at least one (1) of whom represents a private sector employee organization and one (1) of whom represents a public sector employee organization; and

(7) One (1) member who is a public representative knowledgeable about apprenticeships and apprenticeable occupations, appointed by the governor.

(c) The terms for initial members begin on July 1, 2021. The terms of the initial eleven (11) appointments are three (3) years for three (3) members, four (4) years for four (4) members, and five (5) years for four (4) members, as designated by the governor in the governor's initial appointments. As the terms for the initial members expire, successors are appointed for five-year terms.

(d) Whenever a vacancy on the apprenticeship council exists, the governor shall appoint a member for the remainder of the unexpired term.

(e) The apprenticeship council shall:

(1) Advise the office of apprenticeship regarding the duties set forth in § 50-11-104; and

(2) Provide community outreach and education regarding the benefits of apprenticeship.

50-11-106. Activities not prohibited.

(a) This chapter does not:

(1) Require a sponsor of a pre-apprenticeship or apprenticeship to register with the office of apprenticeship;

(2) Affect funds duly distributed to a state agency, college or university, or other entity receiving state or federal funds in support of apprenticeship

activities; or

(3) Affect the department of education's status as the eligible agency to receive and administer career and technical education funding under the federal Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. § 2301 et seq.).

(b) The office of apprenticeship, with the consent of the sponsor, shall permit the apprenticeship intermediary to provide the required technical instruction and technical assistance, including the implementation of the competency frameworks established in § 50-11-104(b) that are aligned to the on-the-job training for apprenticeship programs registered or certified by the office of apprenticeship.

SECTION 2. The commissioner of labor and workforce development is authorized to promulgate rules on behalf of the office of apprenticeship to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. The headings to sections in this act are for references purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.